

**LEGISLATIVE SERVICES AGENCY
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FISCAL IMPACT STATEMENT

LS 7513

BILL NUMBER: HB 1531

NOTE PREPARED: Jan 9, 2009

BILL AMENDED:

SUBJECT: Concealed or Hidden Compartments in Vehicles.

FIRST AUTHOR: Rep. Candelaria Reardon

FIRST SPONSOR:

BILL STATUS: As Introduced

FUNDS AFFECTED: GENERAL
 DEDICATED
 FEDERAL

IMPACT: State & Local

Summary of Legislation: *Storage, Concealment, or Transportation of Contraband:* The bill makes it a Class A misdemeanor for a person, with the intent to store, conceal, or transport contraband in a hidden or concealed compartment, to knowingly or intentionally possess, use, or control a motor vehicle, trailer, or semitrailer that has a hidden or concealed compartment.

Facilitation of Storage, Concealment, or Transportation of Contraband: It makes it a Class D felony for a person to knowingly or intentionally facilitate the storage, concealment, or transportation of contraband by:

- (1) designing, constructing, building, altering, or fabricating a hidden or concealed compartment for a motor vehicle, trailer, or semitrailer;
- (2) installing or creating a hidden or concealed compartment in a motor vehicle, trailer, or semitrailer; or
- (3) attaching a hidden or concealed compartment to a motor vehicle, trailer, or semitrailer.

Effective Date: July 1, 2009.

Explanation of State Expenditures: *Facilitation of Storage, Concealment, or Transportation of Contraband:* A Class D felony is punishable by a prison term ranging from six months to three years or reduction to Class A misdemeanor, depending upon mitigating and aggravating circumstances. The average expenditure to house an adult offender was \$20,287 in FY 2008. (This does not include the cost of new construction.) If offenders can be housed in existing facilities with no additional staff, the marginal cost for medical care, food, and clothing is approximately \$1,825 annually, or \$5 daily, per prisoner. The estimated average cost of housing a juvenile in a state juvenile facility was \$69,223. The average length of stay in Department of Correction (DOC) facilities for all Class D felony offenders is approximately ten months.

Explanation of State Revenues: *Facilitation of and Storage, Concealment, or Transportation of Contraband:* If additional court cases occur and fines are collected, revenue to both the Common School Fund and the state General Fund would increase. The maximum fine for a Class D felony is \$10,000. The maximum fine for a Class A misdemeanor is \$5,000. Criminal fines are deposited in the Common School Fund.

If the case is filed in a circuit, superior, or county court, 70% of the \$120 court fee that is assessed and collected when a guilty verdict is entered would be deposited in the state General Fund. If the case is filed in a city or town court, 55% of the fee would be deposited in the state General Fund. In addition, some or all of the document storage fee (\$2), automated record keeping fee (\$7), judicial salaries fee (\$18), public defense administration fee (\$3), court administration fee (\$5), judicial insurance adjustment fee (\$1), and the DNA sample processing fee (\$1) are deposited into the state General Fund.

Explanation of Local Expenditures: *Facilitation of and Storage, Concealment, or Transportation of Contraband:* A Class A misdemeanor is punishable by up to one year in jail. If more defendants are detained in county jails prior to their court hearings, local expenditures for jail operations may increase. The average cost per day is approximately \$44.

Explanation of Local Revenues: *Facilitation of and Storage, Concealment, or Transportation of Contraband:* If additional court actions occur and a guilty verdict is entered, local governments would receive revenue from the following sources: The county general fund would receive 27% of the \$120 criminal costs fee that is assessed in a court of record. Cities and towns maintaining a law enforcement agency that prosecutes at least 50% of its ordinance violations in a court of record may receive 3% of the criminal costs fee. In addition, several additional fees may be collected at the discretion of the judge and depending upon the particular type of criminal case.

State Agencies Affected: DOC.

Local Agencies Affected: Trial courts, local law enforcement agencies.

Information Sources: Indiana Sheriffs' Association; DOC.

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